

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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Frist

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

19.06.2006

Applicant's or agent's file reference
85/TY00N14/WO

IMPORTANT NOTIFICATION

International application No.
PCT/IB2005/000470

International filing date (day/month/year)
24.02.2005

Priority date (day/month/year)
02.03.2004

Applicant
TOYOTA JIDOSHA KABUSHIKI KAISHA et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | | |
|---|--|---|----------------------|
| Applicant's or agent's file reference 85/TY00N14/WO | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/B2005/000470 | International filing date (day/month/year) 24.02.2005 | Priority date (day/month/year) 02.03.2004 | |
| International Patent Classification (IPC) or national classification and IPC INV. B60K1/04 H01M2/10 | | | |
| Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA et al. | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | | |
| Date of submission of the demand 09.09.2005 | | Date of completion of this report 19.06.2006 | |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | | Authorized officer Heneghan, M Telephone No. +49 89 2399-8544 | |



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2005/000470

IAP5 Rec'd PCT/PTO 01 SEP 2006

Box No. I Basis of the report

10/591459

1. With regard to the **language**, this report is based on

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-10 as originally filed

Claims, Numbers

1-12 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2005/000470

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-----------|
| Novelty (N) | Yes: Claims | 6-8,10-12 |
| | No: Claims | 1-5,9 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-12 |
| Industrial applicability (IA) | Yes: Claims | 1-12 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Independent claims 1 and 9

1. The subject matter of independent claims 1 and 9 of the present application cannot be considered as novel (Article 33(2) PCT) for the following reasons :
 - 1.1. The prior art document D1 : JP 08192639 contains all of the features of the claim 1 :
A mounting structure (70,78,79) for a storage battery device (60,62) installed in a vehicle 10, whereby the vehicle 10 has a frame 14 that extends in a longitudinal direction of the vehicle 10; the frame 14 has a deformable portion (14a) that deforms in an up-down direction by a load in the longitudinal direction of the vehicle 10; and the mounting structure (70,78,79) comprises a fixing member 70 that fixes the storage battery device (60,62) to the frame 14 so that the storage battery device (60,62) moves relatively to the deformable portion (14a) when the deformable portion (14a) deforms.
(D1, Abstract & Fig.1-6).

The subject matter of claim 1 is therefore not novel (Article 33(2) PCT).

- 1.2. The prior art document D1 also contains all of the features of the claim 9 :
A mounting structure (70,78,79) for a storage battery device (60,62) installed in a vehicle 10, comprising a fixing member 70 that fixes a rearward portion of the storage battery device (60,62) to the vehicle 10, wherein the fixing member 70 includes an inclined portion (the part of element 70 between 72 and 79 in figs. 3 & 4) that is inclined forwardly upward.
(D1, Abstract & Fig.1-6).

The subject matter of claim 9 is therefore not novel (Article 33(2) PCT).

- 1.3. The documents D2 : US 5476151 (Col.6 l11 - Col.9 l48 & Fig.12-14) and D3 : US

5681057 (Col.12 l7 - Col.13 l65 & Fig.1-7) also show all of the features of a claims 1 and 9.

Dependent claims 2 to 8 and 10 to 12

2. Dependent claims 2 to 8 and 10 to 12 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty and inventive step because these claims relate merely to well-known options and do not appear to contain matter, which goes beyond the technical knowledge of the person skilled in the art or which would indicate the use of inventive ability. Furthermore, the additional features of some of these claims are already known from some of the cited documents, as outlined below :
 - 2.1. The additional features of claims 2 to 5 are already known from the documents D1 (Fig.1-4), D2 (Fig.12-14) and D3 (Fig.1-7).
 - 2.2. The additional features of claims 6 to 8 and 10 to 12 are already known from the document D4 : JP 7117489 (Fig.1-4).

Re Item VIII

Certain observations on the international application

3. Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined because the claim tries to define one entity (a mounting structure) in terms of two other entities (a storage battery device and a frame of a vehicle), which are not part of the first entity. This leads to doubt as to the matter for which protection is sought (see Guidelines, part II, 5.37).